

April 1996

## The Most Prolific Law Professors and Faculties

James Lindgren

Daniel Seltzer

Follow this and additional works at: <https://scholarship.kentlaw.iit.edu/cklawreview>



Part of the [Law Commons](#)

---

### Recommended Citation

James Lindgren & Daniel Seltzer, *The Most Prolific Law Professors and Faculties*, 71 Chi.-Kent L. Rev. 781 (1996).  
Available at: <https://scholarship.kentlaw.iit.edu/cklawreview/vol71/iss3/4>

This Article is brought to you for free and open access by Scholarly Commons @ IIT Chicago-Kent College of Law. It has been accepted for inclusion in Chicago-Kent Law Review by an authorized editor of Scholarly Commons @ IIT Chicago-Kent College of Law. For more information, please contact [dginsberg@kentlaw.iit.edu](mailto:dginsberg@kentlaw.iit.edu).

# THE MOST PROLIFIC LAW PROFESSORS AND FACULTIES

JAMES LINDGREN\* AND DANIEL SELTZER\*\*

## I. INTRODUCTION

Who publishes in the top law reviews? This study presents data on the most prolific law professors—and, incidentally, on the most prolific law faculties—over a five-year period in the twenty most-cited law reviews.<sup>1</sup>

People seem to want to believe one of two things about studies such as this:<sup>2</sup> Either they tell us nothing or they tell us everything. Neither is true. This study counts what it counts—which people and institutions are the heaviest publishers in the top journals. It is an indicator of faculty quality, not a direct measure of it. Anyone who uses this study by itself as a direct measure of faculty quality misuses the study. A fairly good ranking of faculty quality could probably be gained by combining this study's publishing data about law faculties with survey data of faculty opinion about faculty or school quality. This study, however, is certainly a better indicator of the quality of a school and its faculty than counts of books in the library or the number of applicants to the law school, which have been used in some other studies. This study measures faculty performance: success in placing articles in the top reviews—unquestionably something that one would expect a good scholarly faculty to excel at. It is difficult to

\* Professor of Law, Northwestern University; J.D., University of Chicago, 1977; B.A., Yale College, 1974. I worked on this paper primarily while I was a professor at Chicago-Kent College of Law.

\*\* J.D., Chicago-Kent College of Law, 1994.

1. This is not the *Chicago-Kent Law Review Faculty Scholarship Survey*, but it builds on and improves that study's methodology. See Janet M. Gumm, *Chicago-Kent Law Review Faculty Scholarship Survey*, 66 CHI.-KENT LAW REV. 509 (1990) [hereinafter Gumm, *Faculty Scholarship Survey*]; Survey, *Chicago-Kent Law Review Faculty Productivity Survey*, 65 CHI.-KENT LAW REV. 195 (1989) [hereinafter *Faculty Productivity Survey*]. Indeed, using the data in this article, the Chicago-Kent study adopted our criteria for the top reviews and borrowed our data and tables 1-3. See Colleen M. Cullen & S. Randall Kalberg, *Chicago-Kent Law Review Faculty Scholarship Survey*, 70 CHI.-KENT LAW REV. 1445 (1995) [hereinafter Cullen & Kalberg, *Faculty Scholarship Survey*]. Unlike the first two Chicago-Kent studies, interdisciplinary journals are included in the determination of which are the top 20 law reviews, as are citations to law reviews in social science journals and case opinions. This study also responds to other, more subtle suggestions to improve the earlier studies, such as reducing the influence of the page length of articles on the final rankings.

2. For a review of nine prior studies, see Gumm, *Faculty Scholarship Survey*, *supra* note 1, at 509-14.

be a major law faculty with a significant influence on the interchange of scholarly ideas without being a major presence in the most-cited law reviews,<sup>3</sup> but measuring that influence and exposure is always imprecise.

This study surveys the twenty most-cited journals. Although these are only a fraction of the hundreds of law reviews, they account for nearly two-thirds of citations to American law reviews in one large database.<sup>4</sup> Indeed, the top ten journals together account for over 50% of all citations to American law reviews.<sup>5</sup> Thus, this study covers only twenty journals, but it covers the majority of the articles that people cite.

## II. THE GOALS OF THE STUDY

People often wonder what good are such counting exercises. This study's potential usefulness in legal education is clear. For the faculty side of the study, several law schools (e.g., Texas, Rutgers-Camden, and Northwestern) have at one time or another done a private version of this study to identify potential lateral faculty appointments and to determine whose work it might make sense to read.<sup>6</sup> This study makes available to all law schools information that only a few schools previously possessed and used.

Because article quality is more important than quantity—and quality can not be directly measured—some would prefer that this study not be published. The fear that other people may misuse the real information in this study is a reason that some of those with paternalistic bents would prefer that informational studies such as this not be done—indeed, that nothing be done to upset the existing hierarchy. The faculty hiring process, with its old-boy networks and decisions made in the absence of information, has been described by Linda Hirshman as feudal.<sup>7</sup> The second goal of this study is to provide information for assessing programs. The Chicago-Kent faculty publishing survey<sup>8</sup>—from which this is an offshoot—was originally suggested by Randy Barnett as a way of assessing faculty performance

3. It is very possible for an *individual* to be a major force while publishing only occasionally in the most-cited law reviews—e.g., Ronald Coase and Catharine MacKinnon.

4. SSCI JOURNAL CITATION REPORTS—1991 (1992).

5. *Id.*

6. Their databases typically exclude faculty already on elite law faculties.

7. See Linda R. Hirshman, *Foreword: The Waning of the Middle Ages*, 69 CHI-KENT L. REV. 293 (1993).

8. See Gumm, *Faculty Scholarship Survey*, *supra* note 1; *Faculty Productivity Survey*, *supra* note 1.

for discussions with Chicago-Kent's central university administration.<sup>9</sup> The survey has been used by other law schools in communicating their faculty's performance to their alumni, to prospective law teachers, and (in at least one instance) to the Order of the Coif selection committee. Also, many law professors will use the lists of law reviews to help them determine which law reviews to submit articles to—even if some people use the lists only to jog their memories.

The third goal of the study is to contribute to our understanding of the publishing side of legal education. Studies such as this are of sociological interest. They reveal patterns of faculty publishing, which, when combined with information about the people and schools involved, can tell us what kinds of people and schools produce heavily. This study reveals two striking findings about faculty publishing.

One finding of this study is that nineteen of the twenty-five most prolific individual publishers are lateral appointments. The heaviest publishers at Harvard, Stanford, Cornell, Georgetown, Iowa, NYU, Colorado, and many other universities, started their academic careers on other faculties. This pattern holds true even for those prolific publishers who have not moved up in the hierarchy of law schools, but have merely moved truly laterally. While 76% of the heaviest publishers are laterals, only 39% of their colleagues on their home faculties are laterals, a significant difference.<sup>10</sup>

Another set of suggestive findings surrounds the effects that the earlier Chicago-Kent studies may have had on law schools that fared poorly in prior studies. Several of the elite schools that fared worst in the first two studies (covering 1982-87 and 1983-88) have produced at prodigious paces in recent years—e.g., Texas, Pennsylvania, and Georgetown. More interesting is that Texas and Georgetown have associate deans for scholarship or research, suggesting that elite institutions have the intellectual resources to become prolific publishers and that having a position to promote and nurture scholarship works. Perhaps other law schools will follow their example and create associate deanships whose portfolio is to create the kind of intellectual environment where scholarship thrives.

A fourth goal of this study is to improve on the methodology of the prior Chicago-Kent faculty publishing studies.<sup>11</sup> Most—but not

9. See Randy E. Barnett, *Beyond the Moot Law Review: A Short Story with a Happy Ending*, 70 CHL.-KENT L. REV. 123 (1994).

10. See *infra* table 11.

11. See Gumm, *Faculty Scholarship Survey*, *supra* note 1; *Faculty Productivity Survey*, *supra* note 1.

all—of the specific criticisms raised about the Chicago-Kent study have been addressed in this study.<sup>12</sup> A lot of small improvements have been made, but a few of the major changes deserve mention. First, in determining the top-twenty law reviews, the earlier study excluded faculty-edited law reviews, such as the *Journal of Legal Studies*, and second-string student-edited journals, such as the *Harvard Civil Rights-Civil Liberties Law Review*. Earlier studies also excluded citations to law reviews in judicial opinions, social science journals, and most interdisciplinary law reviews.<sup>13</sup> Further, no adjustment was made in earlier studies for the number of articles published in the law reviews surveyed. For the first time, this study included interdisciplinary journals and second-string student-edited law reviews, adjusted results in one part of the model for the number of source items published in a volume, and added (to the *Shepard's Law Review Citations* data) statistics from the *Social Science Citation Index*, which surveys about fifteen hundred journals including over ninety law reviews. Although these changes are to the distinct disadvantage of the rank of the *Chicago-Kent Law Review*<sup>14</sup> and its faculty, the resulting list of the top-twenty reviews is intuitively the strongest yet.

Other concerns raised about the earlier studies bear some comment. Once again, books are excluded. This is not good, but it may be justifiable for a number of reasons. Book publishing is a smaller part of legal academics than most other fields, in part because of the extraordinary length allowed for articles. Much book publishing in law is not primarily scholarship for other scholars or practitioners, but is instead textbooks for students. One could possibly exclude student textbooks, but the criteria for drawing the line between student textbooks and other books is more subjective than the one between the top twenty journals and others. There is no published data that we are aware of that would allow selecting the most-cited book publishers. In short, by not including books, we are excluding an important part of legal scholarship; nonetheless, adding books might improve the study or it might not. It would depend on how successfully these classification problems were surmounted. It might be that adding books would be too inclusive or too arbitrary. Nor would it be likely to

12. See *supra* note 1 (our methods and tables were used in the 1995 Productivity Survey).

13. See Gumm, *Faculty Scholarship Survey*, *supra* note 1; *Faculty Productivity Survey*, *supra* note 1.

14. The *Chicago-Kent Law Review* was twentieth in citations in *Shepard's Law Review Citations* but adding the *Social Science Citation Index* data moved others ahead of *Chicago-Kent Law Review* in the overall rankings—all in all, a salutary change.

change the results much for law schools—though it would significantly change the results for individuals. If it did change results, it is not clear that the change would be for the better; it would depend on how successfully books were added. In other words, by excluding books, we are excluding an important part of legal scholarship; but whether books should be added to our study depends on how successfully classification problems can be overcome.

One issue raised by commenters on prior publishing studies is whether studies such as this merely perpetuate existing hierarchies. The elite schools, after all, have much better access to top law reviews than non-elite schools. Thus, some might argue that these studies merely reflect the exploitation of elite schools' reputational power over law review editors. Yet, although these studies may perpetuate the *idea* of hierarchy, they do not merely replicate the existing hierarchy. Indeed, nothing would perpetuate existing hierarchies more than refraining from doing such studies. Without new information, people rely on old information and general impressions at odds with current realities. Studies such as this are the keys to mobility for schools and for law reviews. These studies are deeply subversive of existing hierarchies. One school that sometimes ranks in the top twenty-five in the *U.S. News* rankings places near the bottom on our measures of productivity. This university had no faculty who regularly placed their articles in top-twenty law reviews during the five-year period of this study. Studies such as this tweak the unproductive faculties.

This study shows that there are many individuals at non-elite schools who have alone published more in the most-cited journals than the entire faculties of some law schools ranked by *U.S. News* among the top thirty.<sup>15</sup> Perhaps these productive individuals are happy where they are. Perhaps some or even most of these faculty members do not do high quality work, despite success in placing articles. Perhaps they are publishing too much, cutting corners to crank out the work. It may be that the second hundred most prolific publishers do better work than the first hundred. Perhaps there is some reason that elite law schools do not want to hire laterals (they are

15. For example, each of nearly one thousand individual publishers in this study published more in top 10 journals than the Boston College faculty combined. B.C. did, however, have a good football team, which seems to carry a lot of weight with the *U.S. News & World Report* voters. The University of Notre Dame is also a perennial top 30 school in *U.S. News*, though it here ranks 61st in faculty productivity. Meanwhile, schools such as the University of Colorado and Yeshiva, both with excellent faculties, usually rank below B.C. and Notre Dame in *U.S. News*. This may be because *U.S. News* weights student quality more heavily. See, e.g., *The Top 25 Law Schools*, U.S. NEWS & WORLD REP., Mar. 20, 1995, at 84.

generally more expensive). Or perhaps hiring committees are simply unaware of just how productive some law faculty members are, compared to their own productive faculty members. Information is costly. Without information, markets are not necessarily efficient; without information, meritocratic hierarchies are not necessarily meritocratic. In other words, perhaps it is the absence of studies like this that explains the substantial number of professors at non-elite law schools among the most prolific publishers.

### III. THE MOST-CITED LAW REVIEWS

To determine the top law reviews, we used two basic sources: *Shepard's Law Review Citations (Shepard's)*<sup>16</sup> and the *Social Science Citation Index (SSCI)*.<sup>17</sup> Each source has its strengths and weaknesses. *Shepard's* counts citations in federal courts and about 150 law reviews to the same reviews, a group that includes the most significant student-edited law reviews, but leaves out most faculty-edited journals and interdisciplinary journals. The *SSCI* counts citations in fifteen hundred journals to about ninety-five law reviews. Among the ninety-five journals counted are the most significant interdisciplinary law journals, but a substantial number of standard law reviews are absent.

Table 1 shows the most-cited law reviews for the three volumes beginning in the years 1987-89, from the publication date through the June, 1993 issue of *Shepard's*. This is a good test of which student-edited law reviews' recent volumes are heavily cited.

16. SHEPARD'S LAW REVIEW CITATIONS, 1986-90 (1991); SHEPARD'S LAW REVIEW CITATIONS (Supp. June 1993).

17. SSCI JOURNAL CITATION REPORTS—1991 (1992); SSCI JOURNAL CITATION REPORTS—1988 (1989).

TABLE 1  
SHEPARD'S LAW REVIEW CITATIONS  
CITATION COUNTS

Rank	Law Review	Volumes	Total
1	Harvard Law Review	101-103	1897
2	Yale Law Journal	97-99	1742
3	Michigan Law Review	86-88	1601
4	Columbia Law Review	87-89	1454
5	Virginia Law Review	73-75	1155
6	Stanford Law Review	40-42	1152
7	University of Pennsylvania Law Review	136-138	1044
8	University of Chicago Law Review	54-56	964
9	California Law Review	75-77	939
10	Duke Law Journal	1987-1989	679
11	Texas Law Review	66-68	628
12	Southern California Law Review	61-63	623
13	Cornell Law Review	73-75	609
14	Georgetown Law Journal	76-78	580
15	Business Lawyer	43-45	572
16	UCLA Law Review	35-37	528
17	Wisconsin Law Review	1987-1989	504
18	Vanderbilt Law Review	40-42	482
19	Ohio State Law Journal	48-50	467
20	Chicago-Kent Law Review	63-65	451
21	Northwestern University Law Review	82-84	449
22	New York University Law Review	62-64	411
23	North Carolina Law Review	66-68	372
24	Minnesota Law Review	72-74	360
25	Alabama Law Review	39-41	342
26	Notre Dame Law Review	29-31	332
	William and Mary Law Review	62-64	332
28	Tulane Law Review	62-64	320
29	Boston University Law Review	67-69	307
30	University of Florida Law Review	39-41	297
31	San Diego Law Review	24-26	284
32	Brooklyn Law Review	53-55	282
33	University of Cincinnati Law Review	56-58	260
34	Hastings Law Journal	39-41	253
35	Maryland Law Review	46-48	247
36	University of Miami Law Review	42-44	244
37	Georgia Law Review	22-24	243
38	University of California at Davis Law Review	21-23	242
39	University of Pittsburgh Law Review	49-51	233
40	Iowa Law Review	73-75	232
	University of Colorado Law Review	59-61	232

Our use of the *SSCI* data is more complex. One half of the *SSCI* rank is simply 1991 citations to any volume of a journal (1991 data being the most recent data available in the summer of 1993). This measure favors historically strong journals with old articles often cited, such as the *Journal of Law and Economics* with its "Coase The-



orem" article.<sup>18</sup> The other half of the *SSCI* rank is an average of the 1991 impact factor and the 1988 impact factor. The *SSCI* computes the 1991 impact factor by dividing the 1991 citations to the 1989 and 1990 volumes of a review by the number of source items (articles, reviews, etc.) published by that review in 1989 and 1990. Some variant of an impact factor is widely used in citation research. Olavi Maru used it in a different form in his pathbreaking 1976 study of law review citation.<sup>19</sup> This measure is sensitive to recent publishing success and in effect controls for volume length.<sup>20</sup> Short journals, such as the *Harvard Civil Rights-Civil Liberties Law Review*, do relatively well on this measure. Because the number of citations and source items used in generating the impact factor scores were small (and hence, more variable), we added the *SSCI* 1988 impact factor data (the most recent non-overlapping three-year period) for a smoothing effect.

Table 2 shows the *SSCI* results.

18. Ronald Coase, *The Problem of Social Cost*, 3 J.L. & ECON. 1 (1960).

19. Olavi Maru, *Measuring the Impact of Legal Periodicals*, 1976 AM. B. FOUND. RES. J. 227, 242-43.

20. More precisely, it controls for the number of source items.

TABLE 2  
SOCIAL SCIENCES CITATION INDEX (SSCI)  
TOP-FORTY LAW REVIEWS BASED ON FREQUENCY OF CITATION IN  
OTHER REVIEWS

Rank	Review	1991 Cites		Impact Factor				Av. SSCI Rank
		Number	Rank	1991 Score	1988 Score	Av. Imp. Factor	Av. Imp. Rank	
1	Harvard Law Review	4657	1	9.838	8.705	9.2715	1	1
2	Stanford Law Review	1673	4	6.964	2.681	4.8225	2	3
3	Yale Law Journal	3208	2	3.784	4.360	4.0720	5	3.5
4	Michigan Law Review	1546	5	6.250	2.800	4.5250	3	4
5	Columbia Law Review	1896	3	3.087	3.061	3.0740	9	6
6	University of Chicago Law Review	1429	7	3.779	3.494	3.6365	6	6.5
7	University of Pennsylvania Law Review	1441	6	3.595	2.806	3.2005	8	7
8	Virginia Law Review	1188	9	2.680	3.750	3.2150	7	8
9	Texas Law Review	983	11	1.932	2.958	2.4450	11	11
10	Journal of Legal Studies	949	12	2.396	2.316	2.3560	12	12
11	California Law Review	1025	10	2.678	1.529	2.1035	15	12.5
12	Duke Law Journal	701	16	3.594	1.708	2.6510	10	13
13	Southern California Law Review	724	14	2.764	1.821	2.2925	13	13.5
14	New York University Law Review	732	13	1.807	2.100	1.9535	16	14.5
15	Journal of Law & Economics	1266	8	1.612	1.462	1.5370	22	15
16	Cornell Law Review	710	15	2.030	1.771	1.9005	17	16
17	UCLA Law Review	696	17	2.294	1.484	1.8890	18	17.5
	Harvard Civil Rights-Civil Liberties Law Review	370	31	4.647	4.077	4.3620	4	17.5
19	Georgetown Law Journal	602	19	2.151	1.433	1.7920	19	19
20	Minnesota Law Review	529	22	0.962	2.047	1.5045	23	22.5
	Law & Society Review	663	18	1.066	1.568	1.3170	27	22.5
22	Northwestern University Law Review	544	20	1.629	1.016	1.3225	26	23
23	American Journal of International Law	514	23	1.661	1.225	1.4430	25	24
24	Vanderbilt Law Review	540	21	1.542	0.929	1.2355	28	24.5
	Boston University Law Review	430	28	2.045	1.169	1.6070	21	24.5
26	Wisconsin Law Review	468	25	1.014	1.167	1.0905	32	28.5
27	Business Lawyer	461	26	0.883	1.200	1.0415	36	31
28	Indiana Law Journal	367	32	1.507	0.705	1.1060	31	31.5
29	Law and Human Behavior	400	30	1.334	0.767	1.0555	34	32
30	American Criminal Law Review	187	45	1.200	2.333	1.7665	20	32.5
	Journal of Legal Education	459	27	0.795	1.115	0.9550	38	32.5
32	Law and Contemporary Problems	474	24	0.352	1.070	0.7110	43	33.5
33	University of Pittsburgh Law Review	267	38	1.042	1.258	1.1500	30	34
34	Hastings Law Journal	315	35	0.839	1.167	1.0030	37	36
	Iowa Law Review	341	33	0.692	1.096	0.8940	39	36
	George Washington Law Review	282	37	0.978	1.123	1.0505	35	36
37	Buffalo Law Review	246	39	0.730	0.933	0.8315	40	39.5
	Law & Social Inquiry	92	65	2.212	2.125	2.1685	14	39.5
39	Harvard International Law Journal	112	60	1.565	1.391	1.4780	24	42
	Journal of Criminal Law and Criminology	430	29	0.642	0.328	0.4850	55	42

Combining the *Shepard's* and SSCI data would be easy if not for the fact that each service excludes reviews in the other's top forty. Indeed, most of the *Shepard's* reviews rated 19-40 are not in the SSCI

rankings. Among the only major journals excluded from both services (and thus from this study) is the *Supreme Court Review* (published annually). As a surrogate for the missing *Shepard's* data, we used a *LEXIS* search of law reviews in the *LEXIS* database, which is similar to *Shepard's*.<sup>21</sup> There being no surrogate for the *SSCI* data, we estimated *SSCI* ranks for missing reviews by computing the average "slippage" for the reviews immediately ahead of the relevant reviews.<sup>22</sup> We then combined ranks for *SSCI* and *Shepard's* to reach a composite table of the top twenty reviews (Table 3). Estimating data is less than ideal, but going with either the *Shepard's* or the *SSCI* ranks alone seemed both less fair and less valid.

21. *Shepard's* ranks were estimated in the following way: *Shepard's* reviews ranked 17-30 were re-ranked 17-30 using *LEXIS* data (excluding self-citations, because reviews excluded from *LEXIS* could have no self-citations). Then, highly ranked *SSCI* reviews excluded from *Shepard's* were ranked by *LEXIS* data and placed between the *LEXIS* ranks, e.g., *Journal of Legal Studies* was ranked 22.5 because in *LEXIS* data it fell between the review ranked 22 and the one ranked 23.

22. The *SSCI* estimates were made in the following way: We compared *SSCI* and *Shepard's* ranks for *Shepard's* reviews ranked 15-18 (i.e., those immediately ahead of *Ohio State Law Journal* and *Chicago-Kent Law Review*, whose reviews were 19th and 20th in the *Shepard's* data). All four reviews ranked 15-18 in *Shepard's* did worse in the *SSCI*. For each component of the *SSCI* rank, we computed the average slippage and added that number to the *Shepard's* ranks for *Ohio State Law Journal* and *Chicago-Kent Law Review*, thus bumping them out of the top 20 in overall rank.



This list of the top-twenty reviews is an intuitively stronger list than used in the prior Chicago-Kent studies,<sup>23</sup> though certainly several other reviews would have been as intuitively strong as a couple of those in the top twenty. This list is also stronger than either the *Shepard's* or the *SSCI* list alone. Compared with the second Chicago-Kent study,<sup>24</sup> *Michigan Law Review* moves into the top ten and *Duke Law Journal*, *Georgetown Law Journal*, *Journal of Legal Studies*, and *Harvard Civil Rights-Civil Liberties Law Review* are new to the top twenty. Self-citations were included this time, a practice that better measures the influence of specialty journals, which typically have high numbers of self-citations.<sup>25</sup> Some measures looked at recent volumes, some looked at the entire history of the review, some accounted for volume length, and others included influence with courts and social science journals. The weighting of the factors is arbitrary, but the idea of measuring things using different tests is theoretically sound. The intuitive strength of the resulting list also suggests that the methodology is sound.

#### IV. THE MOST PROLIFIC LAW SCHOOLS AND PROFESSORS

Which law schools and professors are the most prolific in the most-cited law reviews? The prior Chicago-Kent studies had surveyed the years 1982-87, 1983-88, and (most recently) volumes *ending* in 1988-92. We decided to survey five years: volumes *beginning* in 1988-92. Thus, there is an almost complete<sup>26</sup> overlap of data with the recently published Chicago-Kent study. This is no surprise, since they used most of our data in putting their study together. The first two Chicago-Kent studies had surveyed both articles and pages in the top twenty law reviews. Because of some criticisms that people should not be rewarded for being longwinded, this time page counts have been relegated to tie-breakers. This change tends to help professors at elite law schools with top-twenty law reviews, whose faculties are more often asked to write short reviews, essays, and symposium pieces. In most respects, the methodology is the same as in the second study:

23. See Gumm, *Faculty Scholarship Survey*, *supra* note 1; *Faculty Productivity Survey*, *supra* note 1.

24. See Gumm, *Faculty Scholarship Survey*, *supra* note 1, at 517-18.

25. See Maru, *supra* note 19, at 234-41. The prior Chicago-Kent studies excluded self-citations.

26. The overlap is about 90%.

- (1) An article is defined as any publication of whatever type if it is at least ten pages in length.
- (2) For co-authored work, article counts (and page counts) are adjusted for partial authorship.
- (3) All law school results are adjusted for faculty size.<sup>27</sup>
- (4) Separate results are computed for professors for:
  - (a) articles in the top-ten law reviews *including* articles in the home law review;
  - (b) articles in the top-ten law reviews *excluding* articles in the home law review;
  - (c) articles in the top-twenty law reviews *including* articles in the home law review; and
  - (d) articles in the top-twenty law reviews *excluding* articles in the home law review.<sup>28</sup>

Then, the article counts were averaged for all four tables and authors were ranked, with average page counts used as the primary tie-breaker.<sup>29</sup>

The most prolific law school faculties are presented in Table 4, ranked by average article counts per faculty member across the four categories described above and listed in columns C-F below.

TABLE 4  
THE MOST PROLIFIC LAW FACULTIES  
IN THE 10 AND 20 MOST-CITED LAW REVIEWS  
(RANKED BY MEAN ARTICLES PER FACULTY MEMBER)  
(VOLUMES BEGINNING IN 1988-92)

Rank	Home Law School	[C] Articles 10 Reviews, Incl. Home	[D] Articles 10 Reviews, Excl. Home	[E] Articles 20 Reviews, Incl. Home	[F] Articles 20 Reviews, Excl. Home	Average Articles	Average Faculty Size	Average Articles Per Faculty Member
1	Chicago	77.8	51.3	102.5	65.5	74.3	29.67	2.50
2	Yale	62.0	34.0	86.3	58.3	60.1	45.67	1.32
3	Cornell	21.8	21.8	50.6	38.8	33.2	28.67	1.16
4	Harvard	71.5	46.0	101.8	73.3	73.2	65.00	1.13
5	Colorado	29.5	29.5	42.5	42.5	36.0	32.33	1.11
6	Texas	68.5	37.5	84.0	53.0	60.8	57.00	1.07
7	Pennsylvania	34.5	22.0	46.5	34.0	34.3	32.33	1.06
8	Columbia	48.8	23.3	69.0	43.5	46.1	49.00	0.94
9	Georgetown	44.3	44.3	85.8	60.3	58.7	63.67	0.92
10	Southern California	21.0	21.0	51.5	31.5	31.3	34.33	0.91
11	Virginia	60.0	28.5	74.0	42.5	51.3	57.33	0.89
12	Northwestern	28.3	28.3	53.9	40.6	37.8	43.00	0.88
13	California	49.3	29.3	63.6	43.6	46.4	53.00	0.88

27. Faculty size was borrowed from the recently published *Chicago-Kent Law Review Faculty Scholarship Survey*. See Cullen & Kalberg, *Faculty Scholarship Survey*, *supra* note 1.

28. The same things were also computed for pages, but while the earlier studies made page counts half of the analysis, this study uses average page counts only as a tie-breaker.

29. The school rankings never needed a tie-breaker.

Rank	Home Law School	[C] Articles 10 Reviews, Incl. Home	[D] Articles 10 Reviews, Excl. Home	[E] Articles 20 Reviews, Incl. Home	[F] Articles 20 Reviews, Excl. Home	Average Articles	Average Faculty Size	Average Articles Per Faculty Member
14	Stanford	41.8	21.3	55.4	34.9	38.3	44.67	0.86
15	Yeshiva-Cardozo	20.5	20.5	29.5	29.5	25.0	33.67	0.74
16	Iowa	21.8	21.8	32.3	32.3	27.1	37.33	0.73
17	NYU	26.0	26.0	57.5	40.0	37.4	60.33	0.62
18	Minnesota	18.0	18.0	24.5	24.5	21.3	34.33	0.62
19	Michigan	38.5	13.5	47.0	22.0	30.3	50.33	0.60
20	Vanderbilt	10.0	10.0	27.8	17.3	16.3	28.00	0.58
21	Duke	13.5	13.5	32.0	18.5	19.4	35.67	0.54
22	Chicago-Kent	12.0	12.0	20.0	20.0	16.0	30.33	0.53
23	Boston University	15.5	15.5	29.5	29.5	22.5	43.00	0.52
24	UCLA	18.0	18.0	46.2	30.0	28.0	53.67	0.52
25	American	13.0	13.0	20.0	20.0	16.5	36.67	0.45
26	Connecticut	11.0	11.0	16.0	16.0	13.5	32.00	0.42
27	Washington and Lee	8.0	8.0	12.0	12.0	10.0	24.33	0.41
28	BYU	7.0	7.0	13.5	13.5	10.3	25.00	0.41
29	Miami	15.0	15.0	19.0	19.0	17.0	41.67	0.41
30	Wisconsin	15.0	15.0	24.3	24.3	19.7	49.33	0.40
31	SUNY-Buffalo	11.0	11.0	17.0	17.0	14.0	37.67	0.37
32	Emory	7.3	7.3	15.3	15.3	11.3	31.33	0.36
33	William and Mary	7.0	7.0	11.0	11.0	9.0	26.33	0.34
34	Indiana	6.0	6.0	15.5	15.5	10.8	31.67	0.34
35	Tulane	9.0	9.0	14.5	14.5	11.8	34.67	0.34
36	George Washington	11.5	11.5	19.5	19.5	15.5	46.00	0.34
37	Rutgers-Newark	10.5	10.5	14.5	14.5	12.5	37.67	0.33
38	Maryland	14.3	14.3	17.3	17.3	15.8	48.67	0.33
39	New York Law School	8.0	8.0	16.0	16.0	12.0	39.33	0.31
40	Western New England	8.0	8.0	8.0	8.0	8.0	26.67	0.30
41	San Francisco	5.0	5.0	8.0	8.0	6.5	22.67	0.29
42	Washington U.	5.0	5.0	11.0	11.0	8.0	28.00	0.29
43	Wake Forest	6.0	6.0	9.0	9.0	7.5	27.00	0.28
44	North Carolina	7.0	7.0	9.0	9.0	8.0	31.33	0.26
45	Kansas	3.0	3.0	9.5	9.5	6.3	25.67	0.24
46	Southern Methodist	7.0	7.0	10.3	10.3	8.6	35.67	0.24
47	Illinois	4.5	4.5	11.0	11.0	7.8	32.33	0.24
48	Pittsburgh	5.0	5.0	9.0	9.0	7.0	30.00	0.23
49	Cincinnati	4.0	4.0	7.0	7.0	5.5	24.67	0.22
50	Tennessee	3.0	3.0	9.0	9.0	6.0	27.33	0.22
51	Arizona	4.0	4.0	8.5	8.5	6.3	29.67	0.21
52	Puget Sound	4.0	4.0	7.5	7.5	5.8	27.33	0.21
53	Hawaii	2.0	2.0	4.5	4.5	3.3	15.67	0.21
54	Case Western	5.0	5.0	8.0	8.0	6.5	31.33	0.21
55	California-Davis	4.5	4.5	6.8	6.8	5.6	27.33	0.21
56	Rutgers-Camden	5.0	5.0	9.5	9.5	7.3	35.67	0.20
57	Georgia	5.5	5.5	8.0	8.0	6.8	35.00	0.19
58	Fordham	6.0	6.0	10.0	10.0	8.0	42.00	0.19
59	Houston	7.0	7.0	9.5	9.5	8.3	46.33	0.18
60	DePaul	4.5	4.5	7.5	7.5	6.0	34.67	0.17
61	Notre Dame	4.0	4.0	5.5	5.5	4.8	28.33	0.17
62	Arizona State	4.5	4.5	5.5	5.5	5.0	30.00	0.17
63	West Virginia	3.0	3.0	5.0	5.0	4.0	24.33	0.16
64	Florida	5.0	5.0	12.0	12.0	8.5	52.67	0.16
65	Mississippi College	2.5	2.5	2.5	2.5	2.5	15.67	0.16
66	Northeastern	3.0	3.0	4.0	4.0	3.5	23.67	0.15
67	Vermont	1.5	1.5	2.5	2.5	2.0	14.00	0.14
68	San Diego	3.0	3.0	9.0	9.0	6.0	42.67	0.14
69	Toronto	4.0	4.0	8.0	8.0	6.0	45.67	0.13
70	Loyola-L.A.	1.0	1.0	11.0	11.0	6.0	47.33	0.13
71	Wayne State	3.5	3.5	4.5	4.5	4.0	32.00	0.13
72	Catholic	2.5	2.5	5.5	5.5	4.0	32.67	0.12
73	Hastings	4.0	4.0	8.0	8.0	6.0	50.00	0.12

Rank	Home Law School	[C] Articles 10 Reviews, Incl. Home	[D] Articles 10 Reviews, Excl. Home	[E] Articles 20 Reviews, Incl. Home	[F] Articles 20 Reviews, Excl. Home	Average Articles	Average Faculty Size	Average Articles Per Faculty Member
74	Utah	2.0	2.0	4.0	4.0	3.0	25.67	0.12
75	Western State	1.0	1.0	3.0	3.0	2.0	18.00	0.11

As in most publishing studies, the University of Chicago again comes out on top. Yale again comes in second. With a few exceptions, the schools usually listed as being near the top come out on top, but the order is different from the intuitive positions. The only surprise in the top fourteen is Colorado (5th). As you will see later, Colorado had the single most prolific professor in the country (Richard Delgado), as well as two other professors in the top twenty (Steven Smith and Pierre Schlag). The only surprises in the top twenty-four are Colorado (5th), Yeshiva-Cardozo (15th), and Chicago-Kent (22d)—and all three schools have strong, underrated faculties.

In Table 4, the biggest moves up into the top ten from the 1990 Chicago-Kent study were those of Texas (23d to 6th), Pennsylvania (26th to 7th), Georgetown (33d to 9th), and Colorado (49th to 5th).<sup>30</sup> All have moved from positions below the top twenty in the earlier study to the top ten in the current study. Two of these schools (Texas and Georgetown) have associate deans for research, which may have facilitated a quick turnaround in their pattern of publishing.

The most prolific individual faculty members are presented in Tables 5-10. Various tie-breakers were used in the tables, with pages generally being the first one.

30. Other large moves into the top 30 include BYU (>50th to 28th), Connecticut (>50th to 26th), and Miami (>50th to 29th).



TABLE 5  
 THE MOST PROLIFIC LAW PROFESSORS  
 IN THE 10 MOST-CITED LAW REVIEWS  
 (VOLUMES BEGINNING IN 1988-92) (INCLUDING THE HOME REVIEW)

Rank	Full Name	Pages, 10 Reviews, Including Home	Articles, 10 Reviews, Including Home
1	Sunstein, Cass	600	12.5
2	Delgado, Richard	294	12
3	Amar, Akhil	532	11
4	Eskridge, Jr., William	678.5	10
5	Macey, Jonathan	345.5	9.5
6	Winter, Steven	595	9
7	Epstein, Richard	324	9
8	Schauer, Frederick	165	8
9	McConnell, Michael	424	7.5
10	Farber, Daniel	210.5	7.5
11	Posner, Richard	193	7.5
12	Hovenkamp, Herbert	308	7
13	Carter, Stephen	226	7
14	Levinson, Sanford	183	7
15	Miller, Geoffrey	273.5	6.5
16	Ayres, Ian	270	6.5
17	Tushnet, Mark	203	6.5
18	Schlag, Pierre	378	6
19	Smith, Steven	320	6
20	West, Robin	292	6
21	Devins, Neal	187	6
22	Fallon, Jr., Richard	321.5	5.5
23	Balkin, J.M.	219	5.5
24	Donohue III, John	206.5	5.5
25	Michelman, Frank	188	5.5
26	Luban, David	211	5.33
27	Gordon, Wendy	423	5
28	Stuntz, William	311.5	5
29	White, G. Edward	237	5
30	Lindgren, James	220.5	5
31	Hirshman, Linda	220	5
32	Kramer, Larry	169	5
33	Elhauge, Einer	358	4.5
34	Sullivan, Kathleen	253.5	4.5
35	Roe, Mark	218	4.5
36	Issacharoff, Samuel	215	4.5
37	Strauss, David	186	4.5
38	Resnik, Judith	160	4.5
39	Rubin, Edward	212.25	4.25
40	Liebman, James	446	4
41	Klarman, Michael	347	4
42	Shaviro, Daniel	317	4
43	Laycock, Douglas	228	4
44	Patterson, Dennis	224	4
45	Frickey, Philip	214	4
46	Ely, John Hart	206	4
47	Eisenberg, Melvin	200	4
48	Kahn, Paul	193	4
49	Binder, Guyora	186	4
50	Johnson, Jr., Alex	160	4

TABLE 6  
THE MOST PROLIFIC LAW PROFESSORS  
IN THE 10 MOST-CITED LAW REVIEWS  
(VOLUMES BEGINNING IN 1988-92) (EXCLUDING THE HOME REVIEW)

Rank	Full Name	Pages, 10 Reviews, Excluding Home	Articles, 10 Reviews, Excluding Home
1	Delgado, Richard	294	12
2	Eskridge, Jr., William	678.5	10
3	Winter, Steven	595	9
4	Amar, Akhil	360	9
5	Macey, Jonathan	286.5	9
6	Sunstein, Cass	434	7.5
7	Farber, Daniel	210.5	7.5
8	Posner, Richard	193	7.5
9	Hovenkamp, Herbert	308	7
10	Epstein, Richard	256	7
11	Schauer, Frederick	154	7
12	Ayres, Ian	270	6.5
13	Tushnet, Mark	203	6.5
14	Levinson, Sanford	176	6.5
15	Schlag, Pierre	378	6
16	Smith, Steven	320	6
17	West, Robin	292	6
18	Devins, Neal	187	6
19	Donohue III, John	206.5	5.5
20	Luban, David	211	5.3
21	Gordon, Wendy	423	5
22	Lindgren, James	220.5	5
23	Hirshman, Linda	220	5
24	Miller, Geoffrey	203.5	5
25	Balkin, J.M.	197	4.5
26	Michelman, Frank	176	4.5
27	Resnik, Judith	160	4.5
28	McConnell, Michael	243	4
29	Fallon, Jr., Richard	224	4
30	Patterson, Dennis	224	4
31	Frickey, Philip	214	4
32	Binder, Guyora	186	4
33	White, G. Edward	167	4
34	Carter, Stephen	143	4
35	Colker, Ruth	120	4
36	Williams, Joan	112	4
37	Trimble, Phillip	94	4
38	Gordon III, James	93	4
39	Koplow, David	284.5	3.5
40	Roe, Mark	160	3.5
41	Redish, Martin	136.5	3.5
42	Estrich, Susan	89.5	3.5
43	Kozinski, Alex	87.5	3.5
44	Sherry, Suzanna	74.5	3.5
45	Rubin, Edward	137.25	3.25
46	Hurd, Heidi	273	3
47	Shaviro, Daniel	245	3
48	Guinier, Lani	234	3
49	Stone, Katherine	234	3
50	Elhauge, Einer	229	3

TABLE 7  
THE MOST PROLIFIC LAW PROFESSORS  
IN THE 20 MOST-CITED LAW REVIEWS  
(VOLUMES BEGINNING IN 1988-92) (INCLUDING THE HOME REVIEW)

Rank	Full Name	Pages, 20 Reviews, Including Home	Articles, 20 Reviews, Including Home
1	Delgado, Richard	502	20
2	Macey, Jonathan	511.83	14.83
3	Sunstein, Cass	670.5	14.75
4	Eskridge, Jr., William	831.5	13
5	Tushnet, Mark	360	12.5
6	Amar, Akhil	544	12
7	Epstein, Richard	396	11
8	Farber, Daniel	296.5	11
9	Hovenkamp, Herbert	372	10
10	Posner, Richard	248.5	10
11	Schauer, Frederick	228	10
12	Winter, Steven	595	9
13	Miller, Geoffrey	326.5	9
14	Balkin, J.M.	365	8.5
15	Michelman, Frank	246	8.5
16	Friedman, Barry	402	8
17	West, Robin	371	8
18	Devins, Neal	250	8
19	Carter, Stephen	240	8
20	McConnell, Michael	424	7.5
21	Rubin, Edward	364.25	7.25
22	Schlag, Pierre	418	7
23	Smith, Steven	372	7
24	White, G. Edward	363	7
25	Ayres, Ian	289.5	7
26	Redish, Martin	288.5	7
27	Lindgren, James	247.5	7
28	Levinson, Sanford	183	7
29	Pierce, Jr., Richard J.	230	6.75
30	Resnik, Judith	273	6.5
31	Donohue III, John	246.5	6.5
32	Chemerinsky, Erwin	240	6.5
33	Minow, Martha	177	6.5
34	Luban, David	235	6.33
35	Gordon, Wendy	457	6
36	Gerhardt, Michael	316	6
37	Mitchell, Lawrence	313	6
38	Craswell, Richard	244	6
39	Kramer, Larry	235	6
40	Bebchuk, Lucian	234	6
41	Waldron, Jeremy	218	6
42	Williams, Joan	216	6
43	Rose, Carol	179	6
44	Gordon III, James	146	6
45	Fallon, Jr., Richard	321.5	5.5
46	Issacharoff, Samuel	280	5.5
47	Hansmann, Henry	226	5.5
48	Strauss, David	225	5.5
49	Eisenberg, Theodore	219.5	5.5
50	Shavell, Steven	144.5	5.5

TABLE 8  
 THE MOST PROLIFIC LAW PROFESSORS  
 IN THE 20 MOST-CITED LAW REVIEWS  
 (VOLUMES BEGINNING IN 1988-92) (EXCLUDING THE HOME REVIEW)

Rank	Full Name	Pages, 20 Reviews, Excluding Home	Articles, 20 Reviews, Excluding Home
1	Delgado, Richard	502	20
2	Macey, Jonathan	405.5	13
3	Eskridge, Jr., William	776.5	11.5
4	Farber, Daniel	296.5	11
5	Tushnet, Mark	269	10.5
6	Amar, Akhil	372	10
7	Hovenkamp, Herbert	372	10
8	Posner, Richard	248.5	10
9	Sunstein, Cass	504.5	9.75
10	Winter, Steven	595	9
11	Schauer, Frederick	217	9
12	Devins, Neal	250	8
13	Balkin, J.M.	343	7.5
14	Miller, Geoffrey	256.5	7.5
15	Schlag, Pierre	418	7
16	Smith, Steven	372	7
17	West, Robin	327	7
18	Epstein, Richard	256	7
19	Lindgren, James	247.5	7
20	Pierce, Jr., Richard J.	230	6.75
21	Ayres, Ian	270	6.5
22	Donohue III, John	246.5	6.5
23	Michelman, Frank	203	6.5
24	Levinson, Sanford	176	6.5
25	Luban, David	235	6.33
26	Rubin, Edward	289.25	6.25
27	Gordon, Wendy	457	6
28	Friedman, Barry	341	6
29	Gerhardt, Michael	316	6
30	Mitchell, Lawrence	313	6
31	White, G. Edward	293	6
32	Redish, Martin	234.5	6
33	Williams, Joan	216	6
34	Rose, Carol	179	6
35	Gordon III, James	146	6
36	Resnik, Judith	260	5.5
37	Black, Bernard	337	5
38	Sidak, J. Gregory	313	5
39	Patterson, Dennis	288	5
40	Frickey, Philip	251	5
41	Hirshman, Linda	220	5
42	Singer, Joseph	206	5
43	Alexander, Larry	201	5
44	Craswell, Richard	188	5
45	Colker, Ruth	161	5
46	Carter, Stephen	157	5
47	Shavell, Steven	120	5
48	Trimble, Phillip	104	5
49	Koplow, David	414.5	4.5
50	Chemerinsky, Erwin	210	4.5

TABLE 9  
THE MOST PROLIFIC LAW PROFESSORS  
IN THE 10 AND 20 MOST-CITED LAW REVIEWS  
(VOLUMES BEGINNING IN 1988-92) (MEAN PAGES)

Rank	Full Name	Pages, 10 Reviews, Incl. Home	Pages, 10 Reviews, Excl. Home	Pages, 20 Reviews, Incl. Home	Pages, 20 Reviews, Excl. Home	Mean Articles	Mean Pages
1	Eskridge, Jr., William	679	679	832	777	11.13	741
2	Winter, Steven	595	595	595	595	9.00	595
3	Sunstein, Cass	600	434	671	505	11.13	552
4	Amar, Akhil	532	360	544	372	10.50	452
5	Gordon, Wendy	423	423	457	457	5.50	440
6	Delgado, Richard	294	294	502	502	16.00	398
7	Schlag, Pierre	378	378	418	418	6.50	398
8	Macey, Jonathan	346	287	512	406	11.58	387
9	Koplow, David	285	285	415	415	4.00	350
10	Smith, Steven	320	320	372	372	6.50	346
11	Hovenkamp, Herbert	308	308	372	372	8.50	340
12	McConnell, Michael	424	243	424	243	5.75	334
13	West, Robin	292	292	371	327	6.75	321
14	Epstein, Richard	324	256	396	256	8.50	308
15	Liebman, James	446	143	446	143	3.00	295
16	Elhauge, Einer	358	229	358	229	3.75	294
17	Shaviro, Daniel	317	245	334	262	3.75	289
18	Balkin, J.M.	219	197	365	343	6.50	281
19	Friedman, Barry	179	179	402	341	4.50	275
20	Ayres, Ian	270	270	290	270	6.63	275
21	Hurd, Heidi	273	273	273	273	3.00	273
22	Fallon, Jr., Richard	322	224	322	224	4.75	273
23	Miller, Geoffrey	274	204	327	257	7.00	265
24	White, G. Edward	237	167	363	293	5.50	265
25	Tushnet, Mark	203	203	360	269	9.00	259
26	Patterson, Dennis	224	224	288	288	4.50	256
27	Guinier, Lani	234	234	277	277	3.50	256
28	Farber, Daniel	211	211	297	297	9.25	254
29	Rubin, Edward	212	137	364	289	5.25	251
30	Moore, Michael	210	197	313	265	3.38	246
31	Klarman, Michael	347	145	347	145	3.00	246
32	Black, Bernard	153	153	337	337	3.50	245
33	Stuntz, William	312	167	312	167	4.00	239
34	Hu, Henry	205	160	318	273	3.00	239
35	Lindgren, James	221	221	248	248	6.00	234
36	Stone, Katherine	234	234	234	234	3.00	234
37	Frickey, Philip	214	214	251	251	4.50	233
38	Mitchell, Lawrence	148	148	313	313	4.50	231
39	Donohue III, John	207	207	247	247	6.00	227
40	Rabban, David	224	224	224	224	3.00	224
41	Luban, David	211	211	235	235	5.83	223
42	Gerhardt, Michael	127	127	316	316	4.00	222
43	Posner, Richard	193	193	249	249	8.75	221
44	Hirshman, Linda	220	220	220	220	5.00	220
45	Laycock, Douglas	228	211	228	211	3.50	220
46	Devins, Neal	187	187	250	250	7.00	219
47	Kelman, Mark	262	166	262	166	2.50	214
48	Resnik, Judith	160	160	273	260	5.25	213
49	Ingber, Stanley	209	209	209	209	2.00	209
50	Michelman, Frank	188	176	246	203	6.25	203

TABLE 10  
OVERALL RESULTS  
THE MOST PROLIFIC LAW PROFESSORS  
IN THE 10 AND 20 MOST-CITED LAW REVIEWS  
(VOLUMES BEGINNING IN 1988-92) (MEAN ARTICLES)

Rank	Full Name	Mean Pages	Mean Articles
1	Delgado, Richard	398	16
2	Macey, Jonathan	387.33	11.58
3	Eskridge, Jr., William	741.25	11.13
4	Sunstein, Cass	552.25	11.13
5	Amar, Akhil	452	10.5
6	Farber, Daniel	253.5	9.25
7	Winter, Steven	595	9
8	Tushnet, Mark	258.75	9
9	Posner, Richard	220.75	8.75
10	Hovenkamp, Herbert	340	8.5
11	Epstein, Richard	308	8.5
12	Schauer, Frederick	191	8.5
13	Miller, Geoffrey	265	7
14	Devins, Neal	218.5	7
15	West, Robin	320.5	6.75
16	Levinson, Sanford	179.5	6.75
17	Ayres, Ian	274.88	6.63
18	Schlag, Pierre	398	6.5
19	Smith, Steven	346	6.5
20	Balkin, J.M.	281	6.5
21	Michelman, Frank	203.25	6.25
22	Lindgren, James	234	6
23	Donohue III, John	226.5	6
24	Carter, Stephen	191.5	6
25	Luban, David	223	5.83
26	McConnell, Michael	333.5	5.75
27	Gordon, Wendy	440	5.5
28	White, G. Edward	265	5.5
29	Rubin, Edward	250.75	5.25
30	Resnik, Judith	213.25	5.25
31	Hirshman, Linda	220	5
32	Redish, Martin	199	5
33	Williams, Joan	164	5
34	Gordon III, James	119.5	5
35	Fallon, Jr., Richard	272.75	4.75
36	Friedman, Barry	275.25	4.5
37	Patterson, Dennis	256	4.5
38	Frickey, Philip	232.5	4.5
39	Mitchell, Lawrence	230.5	4.5
40	Kramer, Larry	189	4.5
41	Colker, Ruth	140.5	4.5
42	Rose, Carol	124	4.5
43	Trimble, Phillip	99	4.5
44	Pierce, Jr., Richard J.	145.25	4.13
45	Koplow, David	349.5	4
46	Stuntz, William	239	4
47	Gerhardt, Michael	221.5	4
48	Issacharoff, Samuel	196.5	4
49	Roe, Mark	189	4
50	Binder, Guyora	186	4
51	Johnson, Jr., Alex	146	4
52	Waldron, Jeremy	135	4

Rank	Full Name	Mean Pages	Mean Articles
53	Sherry, Suzanna	81.5	4
54	Marshall, Lawrence	119.91	3.83
55	Elhauge, Einer	293.5	3.75
56	Shavero, Daniel	289.25	3.75
57	Meltzer, Daniel	202.75	3.75
58	Craswell, Richard	147.5	3.75
59	Bebchuk, Lucian	143.75	3.75
60	Sullivan, Kathleen	162.88	3.63
61	Guinier, Lani	255.5	3.5
62	Black, Bernard	245	3.5
63	Laycock, Douglas	219.5	3.5
64	Paul, Jeremy	182	3.5
65	Eisenberg, Melvin	178.5	3.5
66	Matsuda, Mari	161	3.5
67	Singer, Joseph	151.5	3.5
68	Chemerinsky, Erwin	151	3.5
69	Alexander, Larry	149	3.5
70	Strauss, David	141.5	3.5
71	Hansmann, Henry	132	3.5
72	Neuman, Gerald	122.5	3.5
73	Shapiro, David	118	3.5
74	Estrich, Susan	90.75	3.5
75	Kozinski, Alex	88.5	3.5
76	Rose-Ackerman, Susan	75	3.5
77	Moore, Michael	246.25	3.375
78	Revesz, Richard	169.5	3.25
79	Scott, Robert	162	3.25
80	Karlan, Pamela	161.25	3.25
81	Kraakman, Reinier	122.5	3.25
82	Eisenberg, Theodore	113.88	3.25
83	Minow, Martha	95.75	3.25
84	Shavell, Steven	85.75	3.25
85	Bell, Derrick	83.67	3.17
86	Strauss, Peter	102.25	3.13
87	Liebman, James	294.5	3
88	Hurd, Heidi	273	3
89	Klarman, Michael	246	3
90	Hu, Henry	239	3
91	Stone, Katherine	234	3
92	Rabban, David	224	3
93	Abrams, Kathryn	183.5	3
94	Coffee, Jr., John	163	3
95	Kannar, George	157	3
96	Ely, John Hart	155.5	3
97	Barnett, Randy	150	3
98	Schwartz, Alan	148.5	3
99	Booth, Richard	145	3
100	Johnson, Lyman	144	3
101	Kennedy, Randall	132	3
102	Lupu, Ira C.	129	3
	Markovits, Inga	129	3
104	Morawetz, Thomas	128	3
105	Burbank, Stephen	119	3
106	Ayer, John	118	3
107	Kahn, Paul	116	3
108	Collins, Ronald	116	3
	Skover, David	116	3
110	Berger, Raoul	114.5	3
111	Brilmayer, Lea	111	3
112	Edwards, Harry	106	3
	Stewart, Richard	106	3

Rank	Full Name	Mean Pages	Mean Articles
114	D'Amato, Anthony	105.25	3
115	Dworkin, Ronald	99	3
116	Kornhauser, Lewis	88.75	3
117	Becker, Mary	88	3
118	Radin, Margaret	80.5	3
119	Nussbaum, Martha	75	3
120	Fisher III, William	65	3
121	Nichol, Gene	64	3
122	Williams, Stephen	58	3
123	Saks, Michael	200.17	2.83
124	Ramseyer, J. Mark	63.75	2.83
125	Zeppos, Nicholas	186.5	2.75
126	Fischel, Daniel	88	2.75
127	Robinson, Glen	69.75	2.75
128	Richards, David	61.25	2.75
129	Kelman, Mark	214	2.5
130	Pope, James	179	2.5
131	Bandes, Susan	177	2.5
132	Stout, Lynn	174.75	2.5
133	Boyle, James	171	2.5
134	Gergen, Mark	167.5	2.5
135	Wilkins, David	160	2.5
136	Rock, Edward	160	2.5
137	Sidak, J. Gregory	156.5	2.5
138	Schill, Michael	152	2.5
139	Rubinfeld, Jed	151.5	2.5
140	Bratton, Jr., William W.	145	2.5
141	Merges, Robert	136	2.5
142	Fletcher, William	131	2.5
143	Krent, Harold	125	2.5
144	Sterk, Stewart	115.5	2.5
145	Page, William	110.5	2.5
146	Rhode, Deborah	109	2.5
147	Hadfield, Gillian	108	2.5
148	Cunningham, Clark	99	2.5
149	Schulhoffer, Stephen	88.5	2.5
150	Cole, David	85.5	2.5
151	Sugarman, Stephen	81.5	2.5
152	Hillman, Robert A.	81	2.5
153	Althouse, Ann	77.5	2.5
154	Schroeder, Christopher	71	2.5
155	Sax, Joseph	69.5	2.5
156	Witte, Jr., John	66.5	2.5
157	Easterbrook, Frank	63	2.5
158	Nagel, Robert	60	2.5
159	Mikva, Abner	59	2.5
160	Littleton, Christine	56.5	2.5
161	Wilkinson III, J. Harvie	49	2.5
162	Shaffer, Thomas	45.5	2.5
163	Powell, H. Jefferson	40	2.5
164	Grady, Mark	70.38	2.38
165	McChesney, Fred	82.98	2.33
166	LoPucki, Lynn	139.5	2.25
167	Green, Michael	121	2.25
168	Strossen, Nadine	113.25	2.25
169	Schuck, Peter	112.5	2.25
170	Sykes, Alan	112.5	2.25
171	Levmore, Saul	110	2.25
172	Kahan, Marcel	109.5	2.25
173	Lawson, Gary	106	2.25
174	Altman, Scott	91	2.25



Rank	Full Name	Mean Pages	Mean Articles
175	Gilson, Ronald	67.75	2.25
176	Jeffries, Jr. John	62.25	2.25
177	Williams, David	151.25	2.125
178	Bartlett, Katharine	109.63	2.125
179	Ingber, Stanley	209	2
180	Ansley, Frances	199.5	2
181	Massey, Calvin	182.5	2
182	Stacy, Tom	168.5	2
183	Korobkin, Donald	164	2
184	Applegate, John	149	2
	Motomura, Hiroshi	149	2
186	Vandervelde, Lea	146	2
187	Hamburger, Philip	143	2
188	Post, Robert	140.5	2
189	Kreimer, Seth	140	2
190	Gordon, Jeffrey	139	2
191	Stith, Kate	137	2
	Thel, Steve	137	2
193	Faigman, David	133	2
194	Crain, Marion	131	2
195	Sherwin, Richard	122.5	2
196	Schroeder, Jeanne	121	2
197	Burley, Anne-Marie	119	2
	Harrison, John	119	2
199	Wright, Ronald	117	2
200	Zelenak, Lawrence	108	2

The first thing to note about Table 10 is the poor representation of women near the top of the list. Only Robin West (15th) is in the top twenty-five. The representation of females is much better in the next one hundred (22%); indeed, roughly equal to their representation on law school faculties during the late 1980s and early 1990s. One can only speculate why women are underrepresented in the first twenty-five. Perhaps women are discriminated against in placing articles. Perhaps they are saddled with disproportionately larger administrative duties. Or perhaps it takes male-style aggressiveness to publish at the extraordinary rates of the most prolific men in this study. The pattern for minorities is the opposite of that for women. They are well-represented in the top twenty-five (Richard Delgado, 1st; Akhil Amar, 5th; and Stephen Carter, 24th)—equal to their average numbers in the academy. But they are not well-represented in the next one hundred.

Among the twenty-five most prolific publishers, there are six faculty currently from Yale, three from Colorado, two from Georgetown, and two from Chicago (five, if you count Macey, Posner, and Miller). One tends to think of Yale and Chicago as the trainers of the most prolific publishers, but none of the top twenty publishers have Chicago J.D.s. On the other hand, five of the eleven most prolific publishers have Yale J.D.s.

A related finding of Table 10 is that several of the one hundred most prolific publishers are not at elite law schools. As speculated before, this may reflect that these prolific publishers are content with their current jobs, that the quality of their work does not match their productivity, that elite law schools are not interested in hiring productive laterals, or that most faculty appointments committees lack the kind of information presented in this study. There are many individuals at non-elite schools who have alone published in the most-cited journals more than the entire faculties of law schools sometimes ranked by *U.S. News* as being in the top twenty-five.<sup>31</sup>

The most striking finding of this study is that nineteen of the top twenty-five individual publishers are lateral appointments.<sup>32</sup> The most prolific publishers at Harvard, Stanford, Cornell, Georgetown, Minnesota, Colorado, and many other schools started their academic careers on other faculties. This pattern holds true even for those heavy publishers who have not moved up in the hierarchy of law schools, but have merely moved truly laterally—such as Delgado (who last moved from Wisconsin to Colorado). The twenty-five heaviest publishers are 76% laterals. A systematic sample of colleagues on the home faculties of the top twenty-five publishers is made up of only 39% laterals, a significant difference.<sup>33</sup> By contrast, approximately 61% of faculties of the home schools of prolific publishers are not laterals; they have stayed at the law schools they started with. Table 11 shows this relationship:

TABLE 11  
MOST PROLIFIC PUBLISHERS ARE LATERAL APPOINTMENTS

	Lateral Appointments	Not Lateral Appointments
Top 25 Publishers	19	6
Systematic Sample From Faculties of Top 25 Publishers	39	61

31. See *supra* note 15.

32. We are counting Judge Posner as a lateral because he currently is one and because he was a lateral appointment to Chicago, having started his academic career at Stanford.

33. For each faculty member ranked in the top 25, four faculty members from their home school were selected systematically from lists in the 1992-93 AALS DIRECTORY OF LAW TEACHERS. This estimate of 39% laterals on good faculties is consistent with an analysis of the makeup of 19 elite schools. The mean percentage of laterals at 19 elite schools was 39.8%. See Theodore Eisenberg & Martin T. Wells, *Ranking the Scholarly Impact of Law Schools*, (May 3, 1996) (unpublished draft) (on file with author).

The top twenty-five publishers are significantly more likely to be laterals than their underlying faculties ( $p < .01$ ).<sup>34</sup>

Last, we determined which law reviews published more of their own faculty's work. The *Virginia Law Review*, the *Texas Law Review* and the *Yale Law Journal* lead the list, each publishing over 5.5 publications a year written by their own professors.

TABLE 12  
THE NUMBER OF ARTICLES PER YEAR PUBLISHED BY HOME  
SCHOOL PROFESSORS IN THE TOP 20 LAW REVIEWS

Law Review	Home Faculty Pubs./Year
Virginia	6.3
Texas	6.2
Yale	5.6
Chicago	5.4
Michigan	5.4
Georgetown	5.3
Harvard	5.1
Columbia	5.0
Stanford	4.2
California	4.0
Southern California	4.0
NYU	3.5
UCLA	3.2
Duke	2.7
Pennsylvania	2.7
Northwestern	2.7
Cornell	2.4
Journal of Legal Studies	2.3
Vanderbilt	2.1
Harvard-Civil Rights- Civil Liberties Law Review	0.6

34. Testing the Log-Odds Ratio (Logit).

## V. CONCLUSION

The goals of this study are to aid the legal academy, to assess programs and people, and to add to our understanding of legal publishing. This study identifies the most-cited law reviews, the most prolific law faculties publishing in those reviews, and the most prolific individual faculty publishers. This study does not directly measure the quality of articles, faculties, or individuals. It counts what it counts. Yet by surveying the twenty law reviews that account for nearly two-thirds of legal citations to all journals, we are capturing most of the publishing of articles that people use and cite.

We found that during a recent five year period (volumes beginning in the years 1988-92), the most prolific law faculties were Chicago, Yale, Cornell, Harvard, and Colorado. Most of the faculties that usually rate as being in the top group rank in the top fourteen in our study. The most prolific individuals were Richard Delgado, Jonathan Macey, William Eskridge, Cass Sunstein, and Akhil Amar. Women are not well represented among the top twenty-five publishers and minorities are not well represented in the top 125 publishers. Among the more interesting findings of this study is that laterally-appointed faculty members make up a disproportionate number of the heaviest publishers in the legal academy, including nineteen of the twenty-five most prolific individual publishers in major law reviews.

